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On behalf of the United States Bankruptcy Appellate Panel of the Tenth Circuit (BAP), I am pleased to provide this report on the BAP's tenth full calendar year of operation.

The number of bankruptcy appeals in the Tenth Circuit increased by 14% in 2006, from a total of 166 appeals in 2005 to a total of 189 in 2006. The number of appellants electing to proceed before the BAP decreased slightly from 79% in 2005 to 71% in 2006. Over the past ten years, 153 BAP decisions have been appealed to the Tenth Circuit Court of Appeals. Of these, 128 have been concluded. Fifty-five of the appeals were decided on the merits with 50 affirmances and 5 reversals. The remaining 73 appeals were dismissed. For the tenth year, the judges of the BAP have achieved their goal of disposing of most appeals within 60 days from submission, with a 2006 median "submission to disposition" time of 64 days. The time span from the date the notice of appeal was filed with the Bankruptcy Court to the date the BAP entered a final judgment averaged 153 days.

It has been my good fortune to have served as the Chief Judge of the BAP under the tutelage of Chief Circuit Judge Deanell Reece Tacha. Judge Tacha's tenure as Chief Judge has been marked by the tragic events of September 11, 2001, and by a growing national federal budget deficit. The Judiciary has been faced with unprecedented budget cuts, and a bleak financial outlook for the future. Judge Tacha's ability to lead and command respect during these complicated and difficult times has been an inspiration to all. Her continued guidance and support of the BAP and its mission has been much appreciated. It is in this spirit that we will soon welcome Chief Circuit Judge Robert H. Henry, and likewise, we look forward to serving under his leadership.

Any active or recalled bankruptcy judge, not otherwise appointed to the BAP, may serve in a pro tem capacity. The use of pro tem judges provides the panel with additional experience and expertise, and serves to strengthen the efforts of the BAP. In return, sitting as a panel judge gives a bankruptcy judge a perspective into the reflective and collaborative process of the appellate system. In 2006, three of my colleagues served as pro tem judges for the BAP, the Honorable Niles L. Jackson, Western District of Oklahoma, the Honorable Dale L. Somers, District of Kansas, and the Honorable Howard R. Tallman, District of Colorado. On behalf of the BAP, I would like to extend our sincere appreciation to Judge Jackson, Judge Somers, and Judge Tallman for their service.

On Friday, December 15, 2006, the BAP Clerk's Office became the first appellate court in the nation to go "live" with the new appellate case management system (CM). Prior to implementation, countless hours were devoted to the development of the system by the Systems Staff of the Tenth Circuit, and to testing of the product by the BAP Clerk's Office staff. Unlike the Bankruptcy and District Courts where the release of CM/ECF came in "waves," and courts benefitted from the implementation experiences of the previous courts, all of the appellate courts are testing and implementing at the same time. Needless to say, being the first to tackle any new project carries with it the risks associated with any major undertaking. Staff of the Appellate Court and Circuit Administration Division of the Administrative Office have been relatively quick to respond. I would like to thank Michael Kopatich, Assistant Circuit Executive, Director of Information Services, and his team for their dedication to this project; Dave Tighe, Circuit Executive, for his support; and the staff of the BAP Clerk's Office, who took the brunt of the implementation challenge. The BAP looks forward to the successful implementation of ECF, currently scheduled for the Spring, 2008.

In preparation for electronic case filing, members of the BAP Local Rules Committee have undertaken the task of reviewing the draft Model Local Appellate Rules for Electronic Filing. This project will also include a thorough review of the existing rules in an effort to continue to streamline the process by which an appeal proceeds before the BAP. Members of the Committee include two BAP judges, two bankruptcy practitioners, the Clerk of the Court of Appeals, the Circuit Executive, and a Bankruptcy Court Clerk, in addition to myself, the Clerk of the BAP, and a secretary. Selected members of the Committee met last fall, and have prepared a draft containing proposed revisions to the rules for review by the full Committee. I would like to thank everyone who participated in this process, particularly the Honorable Terrence L. Michael, Northern District of Oklahoma, who has agreed to serve as the Director of the Local Rules Committee.

Continuing education of the bankruptcy bar, the public, and other court units remains an important focus of the BAP. The BAP continues to explore and develop methods of disseminating information throughout the Circuit and nationally. As part of its commitment to serving the members of the bar that practice before the BAP, the panel judges hosted two educational workshops this year, the first in Salt Lake City, Utah, and the second in Oklahoma City, Oklahoma. The presentations centered on matters of importance to bankruptcy practitioners appearing before the BAP, such as the election process, motion practice, briefing, and oral argument. The panel judges offered the attendees their advice based on their combined years of experience on the bankruptcy bench and as members of the BAP. Presentations were well attended, and the comments we have received from the bankruptcy bar have been favorable. As the panel judges travel the circuit holding oral argument sessions, the judges intend to continue the

presentations, visiting with the bankruptcy bar in each of the districts. I would like to thank panel Judges Michael, Nugent, Brown, and McNiff, for facilitating these presentations. I would also like to thank the Honorable Niles L. Jackson, Western District of Oklahoma, who not only volunteered his services as pro tem judge, but agreed to participate as a facilitator for the BAP presentation to the Utah bankruptcy practitioners. His thoughts on reviewing an appellate record for the first time gave the audience a unique and fresh perspective on unraveling the mysteries of the appellate process.

As I mentioned at the beginning of this report, this is the BAP's tenth full year of operation in the Tenth Circuit. As stated in the Tenth Circuit BAP Judges' Handbook, "*Collegiality can be described as the deliberately cultivated attitude among judges of sometimes widely differing views, working in continuing, open, and noncompetitive relationship with each other, which manifests respect for the strengths of the others, restrains one's pride of authorship, while respecting one's own deepest convictions. It values compromise in nonessentials, and seeks as much excellence in the court's decision as the combined talents, experience, insights, and energy of the judges permit. Collegiality is a key element in the BAP process.*" During the past ten years, the composition of the panel has changed on many occasions, with 17 bankruptcy judges serving in the nine positions. Two of the 17 panel members have subsequently been appointed to the District Court bench, and four have retired from the Judiciary. Every bankruptcy judge in the Tenth Circuit has had the opportunity to sit with the BAP, and the BAP has traveled to almost every district within the Tenth Circuit. Shortly, every panel member will have had an opportunity to serve on a panel with each other, and to travel to each argument location in the Tenth Circuit. The BAP has learned many lessons in its ten-year existence, overcome numerous obstacles, and has met every challenge presented. It truly has been an honor to serve as its Chief Judge, and to have the responsibility for the administration of the panel. To commemorate its ten years of existence, the BAP will soon begin a project to document its proud history.

Again in closing, I must acknowledge that the accomplishments of the BAP would not have been possible without the considerable assistance and support of the Judges of the Tenth Circuit Court of Appeals, the Office of the Circuit Executive, the Tenth Circuit Clerk's Office, the District and Bankruptcy Court Judges and Clerks' Offices, the Bankruptcy Appellate Panel Clerk's Office, as well as my colleagues. Their support and advice are always very much appreciated.